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SERVICE DATE - SEPTEMBER 29, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 171X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--IN
WASHINGTON COUNTY, IL

Decided: September 25, 2003

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon an 18.10-mile line of railroad, known as the Sparta Branch, extending from milepost 41.1 near Oakdale to the end of the track at milepost 23.0, near Hoyleton, in Washington County, IL. Notice of the exemption was served and published in the Federal Register on August 1, 2003 (68 FR 45312-13). The exemption was scheduled to become effective on September 2, 2003.¹

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on August 8, 2003. No comments were received by the August 25, 2003 due date. By decision served August 27, 2003, the proceeding was reopened and the exemption was made subject to two environmental conditions. On September 11, 2003, SEA sent the Board a Supplemental Post Environmental Assessment, including a late-filed comment from the U.S. Environmental Protection Agency, Region 5 (EPA), which addressed its concerns regarding the final disposition of crossties and the revegetation of the right-of-way. Based upon EPA's comment, SEA recommends that the following environmental condition be added: prior to conducting any salvage or disposal activities, UP shall consult with EPA, Region 5 (Kenneth A. Westlake, at (312) 886-2910), concerning final disposition of crossties preserved with creosote and the revegetation of the right-of-way with native flora.

Accordingly, the proceeding will be reopened to implement SEA's recommendation as set forth in the ordering paragraphs below.

¹ A formal expression of intent to file an offer of financial assistance (OFA) was timely filed by Vandalia Railroad Company (VRRRC). This automatically stayed the effective date of the exemption for 10 days until September 12, 2003. VRRRC also requested that the 30-day period for submitting its OFA be tolled for 30 days. By decision served on August 28, 2003, the time period for VRRRC to file an OFA was extended until October 2, 2003, and the effective date of the exemption was postponed until October 12, 2003.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the following environmental condition is added: prior to conducting any salvage or disposal activities, UP shall consult with EPA, Region 5 (Kenneth A. Westlake, at (312) 886-2910), concerning final disposition of crossties preserved with creosote and the revegetation of the right-of-way with native flora.
3. All other provisions and environmental conditions imposed in the August 27, 2003 decision in this proceeding will remain in effect.
4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary